

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

RHASHAUN SCOTT,

Petitioner,

v.

CIVIL ACTION NO. 5:03-cv-02289

TROY WILLIAMSON,

Respondent.

JUDGMENT ORDER

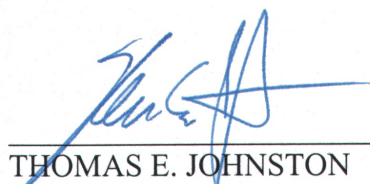
By Standing Order entered on May 20, 2002, and filed in this case on October 29, 2003, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation [“proposed F & R”]. Magistrate Judge VanDervort filed his proposed F & R on May 19, 2006 [Docket 8]. In that filing, the magistrate judge recommended that this Court (1) dismiss Petitioner’s Application Under 28 U.S.C. § 2241 for Writ of Habeas Corpus by a Person in State or Federal Custody [Docket 1] without prejudice for failure to prosecute, (2) deny Petitioner’s Application to Proceed in *Forma Pauperis* [Docket 2], and (3) remove this matter from the Court’s docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort’s proposed F & R. No party has filed objections within the requisite period, and the failure of any party to file such objections constitutes a waiver of such party's right to a *de novo* review by this court. *Thomas v. Arn*, 474 U.S. 140 (1985); *Snyder v. Ridenour*, 889 F.2d 1363 (4th Cir. 1989).

Having reviewed the Proposed Findings and Recommendation filed by Magistrate Judge VanDervort, the Court adopts the findings and recommendations contained therein. Accordingly, the Court hereby (1) **DISMISSES** Petitioner's Application Under 28 U.S.C. § 2241 for Writ of Habeas Corpus by a Person in State or Federal Custody [Docket 1] without prejudice for failure to prosecute, (2) **DENIES** Petitioner's Application to Proceed in *Forma Pauperis* [Docket 2], and (3) **DIRECTS** the Clerk to remove this action from the Court's active docket.

The Clerk is further directed to mail a copy of this Judgment Order to all counsel of record, the plaintiff, *pro se*, and Magistrate Judge VanDervort.

ENTER: June 20, 2006



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE